CHAPTER 6

The kind of liberty offered to men at the end of the last century

The liberty which was offered to men at the end of the last century was borrowed from the ancient republics. Several of the circumstances shown in the first part of this work as the cause of the bellicose disposition of the ancients, contributed also to rendering them capable of a kind of liberty for which we are no longer fitted.[a]

That liberty consisted in active participation in collective power rather than in the peaceful enjoyment of individual independence. And to ensure that participation, it was even necessary for the citizens to sacrifice a large part of this enjoyment; but this sacrifice is absurd to ask, and impossible to exact, at the stage the people have reached.

In the republics of antiquity, the exiguous scale of the territory meant that each citizen had, politically speaking, a great personal importance. The exercise of the rights of citizenship represented the occupation and, so to speak, the amusement of all. The whole people contributed to the making of the laws, pronounced judgements, decided on war and peace. The share of the individual in national sovereignty was by no means, as it is now, an abstract supposition. The will of each individual had a real influence; the exercise of that will was a vivid and repeated

[a] Compare the arguments developed in this chapter and in the two following ones with the 1806 draft of the *Principes*; E. Hofmann (ed.), *Les 'Principes de Politique'*, vol. 2, pp. 417–55: 'De l'autorité sociale chez les anciens.'

pleasure. It followed from this that the ancients were prepared for the conservation of their political importance, and of their share in the administration of the state, to renounce their private independence.

This renunciation was indeed necessary; since to enable a people to enjoy the widest possible political rights, that is that each citizen may have his share in sovereignty, it is necessary to have institutions which maintain equality, prevent the increase of fortunes, proscribe distinctions, and are set in opposition to the influence of wealth, talents even virtue.[1] Clearly all these institutions limit liberty and endanger individual security.

Thus what we now call civil liberty was unknown[a] to the majority of the ancient peoples.[2] All the Greek republics, with the exception of Athens,[3] subjected individuals to an almost unlimited social jurisdiction. The same subjection of the individual characterized the great centuries of Rome; the citizen had in a way made himself the slave of the nation of which he formed part. He submitted himself entirely to the decisions of the sovereign, of the legislator; he acknowledged the latter's right to watch over his actions and to constrain his will. But the reason was that he was himself, in his turn, that legislator and that sovereign; and he felt with pride all that his suffrage was worth in a nation small enough for each citizen to be a power; and this consciousness of his own worth was for him an ample reward.

It is quite a different matter in modern states. Because their territory is much larger than that of the ancient republics, the mass of their

[1] Hence ostracism, petalism [banishment by voting with olive leaves], the agrarian laws, censorship etc.

[2] See the more elaborate proof in the memoirs on public education by Condorcet, and the history of Italian republics by Simonde Sismondi, IV, 370. I quote with pleasure this last work, the product of a character as noble and distinguished as the talent of the author.
[J. A. N. Caritat de Condorcet, *Sur l'instruction publique* (abstract from the Bibliothèque de l'homme public, seconde année, vol. I) (Paris, 1791); J. C. L. S. de Sismondi, *Histoire des républiques italiennes du moyenâge* (16 vols. Paris, 1807–24).]

[3] It is rather odd that it should be precisely Athens that our modern reformers have avoided taking as a model. The reason is that Athens was too similar to us, and they wanted greater difference to have greater merit. The reader eager to convince himself of the utterly modern character of the Athenians may consult Xenophon and Isocrates.
[Xenophon, *La Constitution d'Athènes attribuée à Xenophon*, Annales de l'Université de Besançon (Paris, 1976); *La république des Lacedemoniens*, ed. by F. Ollier, Annales de l'Université de Lyon (Lyon, 1934); English trs. J. M. Moore (ed.), *Aristotle and Xenophon on democracy and oligarchy* (London, 1975); Isocrates, *Works*, with an English trs. by G. Norlin (London, 1928), repr. 3 vols., 1966–8.]

[a] First edition: 'almost unknown'.

inhabitants, whatever form of government they adopt, have no active part in it. They are called at most to exercise sovereignty through representation, that is to say in a fictitious manner.

The advantage that liberty, as the ancients conceived it, brought people, was actually to belong to the ranks of the rulers; this was a real advantage, a pleasure at the same time flattering and solid. The advantage that liberty brings people amongst the moderns is that of being represented, and of contributing to that representation by one's choice. It is undoubtedly an advantage because it is a safeguard; but the immediate pleasure is less vivid; it does not include any of the enjoyments of power; it is a pleasure of reflection, while that of the ancients was one of action. It is clear that the former is less attractive; one could not exact from men as many sacrifices to win and maintain it.

At the same time, these sacrifices would be much more painful: the progress of civilization, the commercial tendency of the age, the communication among the peoples, have infinitely multiplied and varied the means of individual happiness. To be happy, men need only to be left in perfect independence in all that concerns their occupations, their undertakings, their sphere of activity, their fantasies.

The ancients found greater satisfactions in their public existence, and fewer in their private life; consequently, when they sacrificed individual to political liberty, they sacrificed less to gain more. Almost all the pleasures of the moderns lie in their private life. The immense majority, always excluded from power, necessarily take only a very passing interest in their public existence. Consequently, in imitating the ancients, the moderns would sacrifice more to obtain less.

Social ramifications are more complicated and more extended than in the past; even those classes which seem enemies, are bound by imperceptible but indissoluble ties. Property is more intimately identified with man's existence: all the shocks that it is made to experience are more painful.[a]

We have lost in imagination what we have gained in knowledge; as a result, we are even incapable of lasting emotion; the ancients were in the full youth of their moral life, we are in its maturity, perhaps in its old age; we are always dragging behind us some sort of afterthought, which

[a] In the 1806 draft, Constant observed: 'Credit did not have the same influence amongst the ancients. A deficit of 60 million caused the French revolution. A deficit of 600 did not cause, under Vespasian, the slightest sign of collapse of the empire.' E. Hofmann (ed.), *Les 'Principes de Politique'*, vol. 2, p. 426. The example is taken from Charles Ganilh, *Essai sur le revenu public* (2 vols., Paris, 1806), vol. 1, pp. 64–5.

is born from experience, and which defeats enthusiasm. The first condition for enthusiasm is not to observe oneself too acutely. Yet we are so afraid of being fools, and above all of looking like fools, that we are always watching ourselves even in our most violent thoughts. The ancients had complete conviction in all matters; we have only a weak and fluctuating conviction about almost everything, to the inadequacy of which we seek in vain to make ourselves blind.

The word illusion is to be found in no ancient language, because the word only comes into being when the thing has ceased to exist.[a]

Legislators must renounce all disturbance of habits, all experiment,[1] in order to act forcefully upon opinion. No more Lycurguses, no more Numas.

It would be easier today to make Spartans out of an enslaved people, than to turn free men into Spartans. In the past, where there was liberty, people could endure hardship; now, wherever there is hardship, they need slavery so as to be resigned to it.

The people most attached to its liberty in modern times is also that most attached to its pleasures. It holds to its liberty above all because it is enlightened enough to see in it the guarantee of its pleasures.

CHAPTER 7

The modern imitators of the republics of antiquity

These truths were entirely overlooked by the men who, towards the end of the last century, believed themselves charged with the regener-

[1] 'The Greek politicians, who lived under a popular government', says Montesquieu, 'did not recognize any power other than virtue; those of today talk only of manufactures, of commerce, of finances, of riches and even of luxury', *Esprit des lois*, 3, 3. ['Du principe de la démocratie', *Oeuvres complètes*, vol. 2, p. 252]. He attributes this difference to republic and monarchy respectively: we must attribute it to the contrasting spirit of ancient and modern times. Citizens of republics, subjects of monarchies, all wish for pleasures and comfort, and indeed no-one can, in the present condition of societies, fail to wish for them.

[a] For a development of these themes, see Mme de Staël, *De la littérature*, Part 1: 'De la littérature chez les anciens et chez les modernes' in *Oeuvres*, vol. 4, pp. 71–187.

ation of the human race. I am not casting aspersions on their intentions: their movement was noble, their aim generous. Who among us did not feel his heart beating with hope on entering the path which they seemed to open up? Woe betide even today whoever does not feel the need to declare that to recognize errors is not to abandon those principles that the friends of humanity have professed from age to age. But these men had taken as their guides writers who had not themselves suspected that two thousand years could have brought some alteration in the disposition and the needs of peoples.

Perhaps one day I will examine the theory of the most illustrious of those writers and I shall bring out what is false and inapplicable in it. It will be apparent, I believe, that the subtle metaphysics of the *Social Contract* can only serve today to supply weapons and pretexts to all kinds of tyranny, that of one man, that of several and that of all, to oppression either organized under legal forms or exercised through popular violence.[1]

Another philosopher, less eloquent but no less austere in his principles than Rousseau, indeed, even more extreme in applying them,

[1] I do not wish to join Rousseau's detractors. At present they are numerous enough. A crowd of servile spirits, who find their ephemeral success in questioning all courageous truths, clamour to blacken his glory: this in itself is an additional reason to be prudent in criticizing him. He was the first to make a sense of our own rights popular; his voice has awakened generous hearts and independent minds. But what he felt so passionately, he failed to define clearly. Several chapters of the *Social Contract* remind one of the scholastic writers of the 15th century. What is the meaning of rights which we enjoy more, the more completely we alienate them? What is that liberty in virtue of which one is so much the freer the more wholeheartedly one does what is against one's own will? The supporters of despotism can derive immense advantages from Rousseau's principles. I know one of them[(1)] who, like Rousseau, believing that unlimited political authority resided in society as a whole, supposes it transferred to the representative of that society, a man whom he defines as the species personified, the union individualized. In the same way as Rousseau maintains that the social body could not harm either the whole of its members or any of them in particular, this writer claims that the holder of power, the man constituted as society, cannot harm society itself, because any injury he caused to it he would suffer fully himself, since he himself *is* society. Similarly, where Rousseau says that the individual cannot resist society because he has alienated his rights to it without reservation, the other claims that authority entrusted with power is absolute, because no member of a society can fight against the entire association; that the holder of power cannot be in any way responsible because no individual can demand an explanation from the whole of which he forms part, while the latter can answer him only by returning him to that order which he should never have violated.

And in order to dissipate our fears he adds: 'This is why his authority (that of the holder of power) was not arbitrary: he was no longer a single man, he was a whole people.' What a wonderful guarantee this change of words affords! Is it not odd that all the writers of this kind should reproach Rousseau with losing himself in abstractions? When they talk to us of

had an almost equal influence on the reformers of France: this was the Abbé de Mably. We can regard him as the representative of that numerous class of well- or ill-intentioned demagogues who, from the height of the tribune, in the clubs and in pamphlets, spoke of the sovereign nation so that the citizens might be even more subjected, and of the freedom of the people, so that each individual might be totally enslaved.

The Abbé de Mably,[1] like Rousseau and many others, had mistaken authority for liberty, and to him any means seemed good if it extended the action of this authority upon that recalcitrant part of human existence, whose independence he deplored. The regret he expresses everywhere in his works is that the law can only cover man's actions; he would like it to cover the most fleeting thoughts and impressions; to pursue man relentlessly, leaving him no refuge in which he might escape from his power. No sooner did he learn of any oppressive measure, no matter by whom it was practised, than he thought he had made a discovery, and proposed it as a model. He detested individual liberty like a personal enemy; and whenever he came across a nation deprived of it, even if it had no political freedom, he could not help admiring it. He went into ecstasies over the Egyptians, because, he said, among them everything was prescribed by the law. Down to every relaxation, every need, everything was subjected to the empire of the legislator. Every moment of the day was filled with some duty; even love was submitted to this accepted intervention. It was the law that, in turn, opened and closed the curtains round the nuptial bed.[2]

the individualized society and of the sovereign being no longer a man but a people, are they by any chance avoiding abstractions?

[(1) Variant to footnote 19:
The First edition has: 'Do you wish to judge the advantage that the partisans of despotism can derive from Rousseau's principles? Read a work already cited above [Louis Matthieu Molé, *Essais de morale et politique*.] In the same way as Rousseau had supposed . . .']

The work of Mably on legislation is the most complete code of despotism which one can possibly imagine. Combine his three principles: 1. The legislative authority is unlimited. It must be extended to all and all must be subjected to it. 2. Individual liberty is a curse: if you cannot stamp it out, at least limit it as much as possible. 3. Property is an evil. If you cannot destroy it, weaken its influence by all possible means. From these conditions you will have in one the constitution of Constantinople and that of Robespierre.

[Gabriel Bonnot de Mably, *De la législation, ou principes des lois* (Paris, 1776); see also, by the same author, *Parallèle des romains et des français par rapport au gouvernement* (2 vols., Paris, 1740); *Entretiens de Phocion, sur le rapport de la morale avec la politique*, translated from the Greek of Nicocles (Amsterdam, 1763).]

[2] For some time we have heard the same absurdities about the Egyptians repeated in France. We have been invited to imitate a people, victim of a double servitude, kept back

Sparta, which combined republican forms with the same enslavement of the individuals, aroused in the spirit of that philosopher an even more vivid enthusiasm. That monastic barracks appeared to him as the ideal of a free republic. He had a profound contempt for Athens, and would gladly have said of this first nation of Greece what an academic and great nobleman* said of the Academy: 'What appalling despotism! Everyone does what he likes there.'

During the French revolution, when the tide of events brought to the head of the state men who had adopted philosophy as a prejudice, and democracy as fanaticism, these men were seized by a boundless admiration for Rousseau, Mably and all the writers of that school.

The subtlety of the former, the austerity of the latter, the latter's intolerance, hatred of all human passions, eagerness to enslave them all, his extreme principles about the competence of the law, the difference between what he recommended and what had existed before, his declamations against wealth and even against property, all of these things were bound to charm men excited by their recent victory, who, having conquered a power which was called law, were only too eager to extend that power to all possible objects. It was for them a precious authority that writers who, disinterested on this matter, and declaring royalty to be anathema, had, long before the overturning of the throne, made axiomatic all the maxims necessary to organize the most absolute despotism under the name of republic.

Our reformers wanted to exercise public power as their guides had told them it had been exercised in the free states of antiquity. They believed that everything should give way before collective authority, and that all restrictions of individual rights would be compensated by participation in the social power. They attempted to subject the French to a multitude of despotic laws which grievously offended all that they held most dear. They proposed to a people grown old in pleasure, to

by its priests from the sanctuary of every form of knowledge; divided into castes, the lowest of which was deprived of all the rights of the social state; kept in an eternal infancy; an immobile mass, equally incapable of enlightening and of defending itself, a constant prey to the first conqueror who invaded its territory. But we must admit that these new apologists of Egypt are more consistent than the philosophers who showered upon it the same praises; they attach no value to liberty, to the dignity of our nature, to the activity of the mind, to the development of intellectual faculties. They write panegyrics for despotism in order to become its instruments.

* The Duke of Richelieu.

sacrifice all these pleasures. They made a duty out of what ought to have been voluntary. They even put constraints on the celebrations of liberty, and were surprised to find that the memory of several centuries did not vanish instantaneously in the face of the decrees of a day. The law, being the expression of the general will, must in their eyes prevail over every other power, even those of memory and time. The slow and gradual effect of the impressions of childhood, the direction taken by the imagination over long years, appeared to them acts of rebellion. They gave to habits the name of ill will. One would have thought that ill will was a magic power that, by some inexplicable miracle, constantly forced the people to do what was against their own will. They attributed to the opposition the troubles of the struggle, as if it were ever legitimate for authority to make changes which provoked such an opposition, as if the difficulties met by these changes were not in themselves a verdict on their authors.

Nevertheless all their efforts collapsed constantly under the weight of their own extravagance. The most insignificant saint, in the most obscure of villages, successfully resisted the entire national authority arrayed in battle order against him.[a] The social power harmed individual independence in all sorts of ways, without suppressing the need for it. The nation did not feel that ideal participation in an abstract sovereignty was worth what they were suffering. It was vainly repeated to them, following Rousseau, that 'the laws of liberty are a thousand times more austere than the yoke of tyrants'. The result was that the nation did not want these austere laws, and as it only knew the yoke of tyrants by hearsay, it thought it would indeed prefer that yoke.[1]

[1] The disharmony between these measures and France's disposition was felt from the beginning, and long before it reached its climax, by all enlightened men. But, by a curious misunderstanding, these men came to the conclusion that what must be changed is the nation, and not the laws imposed upon it. 'The national assembly', wrote Chamfort in 1789 'has given to the people a constitution which is stronger than the people themselves. It must hasten to raise the nation to the same height. Legislators must be like those skilful physicians who, in treating an exhausted patient, administer restoratives with the help of stomachic medicines [i.e. emetics].' What is unfortunate in this comparison is that our legislators were themselves sick men who claimed to be doctors. You cannot sustain a nation at a height to which its own disposition fails to raise it. In order to keep it at that level, you must exercise violence upon it, and by the very fact that violence is exercised, it will collapse and in the end sink lower than ever before.

[Nicolas-Sébastien Roch (dit de Chamfort), *Maximes, pensées, caractères, et anecdotes* in

[a] Constant himself, as president of the Commune of Luzarches, scrupulously observed the revolutionary calendar and festivals. See Ernest Tambour, *Etudes sur la Révolution dans le Département de Seine-et-Oise* (Paris, 1913), pp. 276–399.

CHAPTER 8

The means employed to give to the moderns the liberty of the ancients

The mistakes of men in authority, of whatever degree, cannot be as innocent as those of private individuals.[a] Force always waits behind these errors, ready to lend them its terrible resources.

The partisans of ancient liberty were furious to see that the moderns did not wish to be free according to their method. They redoubled their demands, the people redoubled their resistance, and crimes soon followed their mistakes.

For the sake of tyranny, says Machiavelli, everything must be changed.[b] Similarly one could say that, in order to change everything, you need tyranny. Our legislators understood this, and declared that despotism was indispensable as the foundation of liberty.

There are axioms that seem clear because they are short. Cunning men throw them out like food to the crowd, fools take them up, because they spare them the trouble of thinking, and they repeat them to give the impression that they understand them. In this way, propositions whose absurdity amazes us, when analysed, insinuate themselves into a thousand heads, are repeated by a thousand mouths, and one is constantly compelled to demonstrate what is obvious.

The axiom which we have just cited is of this kind. For ten years it has resounded from all the tribunes of France. Nonetheless, what does it mean? Liberty is of inestimable price only because it gives soundness to our mind, strength to our character, elevation to our soul. But do not these benefits all depend on the existence of liberty? If, in order to introduce it, you resort to despotism, what will you have established in the end? Only vain forms: the substance will always escape you.

Oeuvres complètes, ed. by P. R. Auguis (5 vols., Paris, 1824), vol. 1, p. 447; for an English translation see W. G. Hutchison (ed.), *The Cynic's Breviary: Maxims and Anecdotes from Nicolas de Chamfort* (London, 1902).]

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[a] In the 1806 draft Constant wrote:
'If private individuals follow the wrong path, the laws are there to repress them. But if the authorities are mistaken, their errors are re-enforced by the strength of the laws.'
E. Hofmann (ed.), *Les 'Principes de Politique'*, vol. 2, p. 75.

[b] Niccolò Machiavelli, *Discorsi sopra la prima Deca di Tito Livio* in *Tutte le opere*, ed. by M. Martelli (Firenze, 1971), pp. 73–254, Book 1, chs. 25 and 26 (Per il dispotismo bisogna cambiare tutto'), p. 109.

What should one say to a nation to make it see the advantages of liberty? You were oppressed by a privileged minority; the great number were sacrificed to the ambition of a few; unequal laws supported the strong against the weak; you enjoyed only precarious pleasures, which arbitrary power threatened to take away from you at any moment; you contributed neither to the making of your laws, nor to the election of your magistrates. All these abuses will disappear, all your rights will be restored.

But what can they say, those who claim to establish liberty through despotism? No privilege will weigh upon the citizens, but every day suspected men will be struck down without being heard. Virtue will be the first, indeed the only distinction, but those who are most active in persecution and violence will form a patriciate of tyranny maintained through terror. The laws will protect properties, but expropriation will be the lot of suspected individuals or classes. The people will elect their magistrates, but if they fail to elect them in the way prescribed in advance, their choices will be declared null. Opinions will be free, but any opinion in opposition not only to the general system, but even to trifling circumstantial measures, will be punished as treasonable.

Such was the language, such was the practice of the reformers of France for long years.

They won apparent victories, but those victories were contrary to the spirit of the institution which they wished to establish. And as they failed to convince the conquered, so they failed to reassure the conquerors. In order to prepare men for liberty, they surrounded them with the horrors of executions. The attacks made by the deposed authority on freedom of thought were remembered and exaggerated, while enslavement of thought was precisely the distinctive character of the new regime. They declaimed against tyrannical governments, while setting up the most tyrannical of all.

Liberty, they argued, had to be postponed until factions died down; but factions only die down when liberty is no longer postponed. Violent measures, adopted dictatorially in advance of a public spirit, prevent that spirit from coming into being. It is a vicious circle. People look ahead to a time which is certain never to be reached, because the means chosen militates against its being reached. Force increasingly necessitates more force. Anger is fed by anger. Laws are forged like weapons, codes become declarations of war, and the blind partisans of liberty, who thought that they could impose it through despotism, stir up all the

spirits against themselves, and are left only with the support of the vile flatterers of power.

In the first rank of the enemies that our demagogues had to fight, were all those classes that had benefited from the fallen social organization, and whose privileges, abusive perhaps, had nevertheless been the means of leisure, improvement and enlightenment. A great independence of fortune is a guarantee against many sorts of baseness and vice. The certainty of being respected preserves against that restless and touchy vanity, which imagines insults and suspects disdain everywhere: implacable passion, which takes revenge for its present sufferings by the evils it commits. The usage of gentle forms and the habit of subtle nuances give the spirit a delicate susceptibility, and the mind a swift and quick flexibility.

Advantage should have been taken of these precious qualities.[a] The spirit of chivalry[b] [the aristocracy] should not have been allowed any privileges which it could abuse but left free to display its good qualities. The Greeks spared the prisoners who recited verses of Euripides. The faintest glimmering of intelligence, the slightest germ of thought, the least gentle sentiment or elegant form, must be carefully protected. They are indispensable elements of social happiness. They must be saved from the storm: it is necessary both for the sake of justice and for that of liberty: for those things lead to liberty by a more or less direct path.

In order to revive and fuel hatred, our fanatical reformers mixed up different eras. Just as their predecessors had turned to the Franks and the Goths to sanction oppressive distinctions, they too turned to them to find pretexts for an inverted oppression. Vanity had searched the archives and the chronicles for titles of honour. A more bitter and vindictive vanity drew on them for acts of indictment. They refused to take account of the times, to distinguish nuances, to reassure anxieties, to forgive passing social ambitions, to let vain murmurings die down, or puerile threats evaporate. They noted all the engagements of pride. A new distinction – persecution – was added to those which they wanted to abolish, and, their abolition being accompanied by such unjust

[a] Compare with Burke, *Reflections*, p. 139: 'Woe to the country which would madly and impiously reject the service of the talents and virtues, civil, military, or religious, that are given to grace and to serve it; and would condemn to obscurity everything formed to diffuse lustre and glory around the state.'

[b] Another Burkean theme; see: *Reflections*, p. 170.

rigours, were furnished with the certain hope of being revived along with justice.

In all violent struggles, interests follow closely upon the steps of exalted opinions, as birds of prey follow armies before a battle. Hatred, revenge, greed, ingratitude, shamelessly parodied the most noble examples, because their imitation had been blindly recommended. The unfaithful friend, the untrustworthy debtor, the obscure informer, the prevaricating judge, all found their justification already written in the language of the day. Patriotism became the banal excuse for all crimes. The great sacrifices, the acts of devotion, the victories won by the austere republicanism of antiquity over natural inclinations, became the pretext for the unrestrained eruption of selfish passions. Because at one time inexorable but just fathers had condemned their guilty children, their modern imitators delivered their innocent enemies to the executioners. The most obscure of lives, the least active existence, the least known of names, were ineffective protections. Inaction appeared a crime, domestic affections neglect of the fatherland, happiness a suspicious desire. The crowd, corrupted at the same time by danger and by example, repeated, trembling, the prescribed formulae, and took fright at the sound of their own voice. Each one formed part of the mass and was terrified by the mass which he contributed to swell. Thus was spread throughout France that inexplicable fever which has been called the Reign of Terror.[a] Who can be surprised that the people turned away from the goal towards which their rulers wanted to lead them by such a terrible path?

Not only do the extremes touch, they also follow upon one another. One exaggeration always produces the contrary exaggeration.[1] When certain ideas have become associated with certain words, it is in vain to demonstrate that this association is false: these words, when repeated, will for a long time recall the same ideas. It is in the name of liberty that we were given prisons, scaffolds, countless persecutions; this name, in

[1] 'Everything that aims at restricting the power of kings', said M. de Clermont-Tonnerre in 1790, 'is accepted with enthusiasm because people remember the abuses of royalty. A time will come, perhaps, in which everything that tends to limit the rights of the people will be received with the same fanaticism because they will have experienced with equal intensity the dangers of anarchy.'

[Stanislas-Marie de Clermont-Tonnerre, *Recueil des opinions de Stanislas de Clermont-Tonnerre* (4 vols., Paris 1791), vol. 2, p. 232.]

[a] See Constant's pamphlet *Des Effets de la Terreur* (1797) in *Ecrits et discours politiques*, vol. 1, pp. 93–112.

which a thousand odious and tyrannical measures were taken, was bound to arouse hatred and fear.

Yet would it be right to conclude from this that the moderns are disposed to resign themselves to despotism? What was the cause of their obstinate resistance to what was offered to them as liberty? Their firm determination to sacrifice neither their peace, nor their habits, nor their pleasures. If despotism is the most irreconcilable enemy of all peace and all pleasures, does it not follow from this that the moderns while thinking they abhorred liberty, in fact only abhorred despotism?

CHAPTER 9

Does the aversion of the moderns for this pretended liberty imply that they love despotism?

I certainly do not mean by despotism those governments in which the powers are not explicitly limited, but where there are nevertheless intermediaries; where a tradition of liberty and justice restrains the agents of the administration; where the authority handles customs with tact; where the independence of the courts is respected. Such governments may be imperfect: they are the more so accordingly as the guarantees which they establish are less assured. But they are not purely despotic.

I mean by despotism a government in which the will of the master is the only law; where political bodies, if they exist, are simply his instruments; where the master regards himself as the exclusive owner of his empire and considers his subjects merely as usufructuaries; where liberty can be taken away from the citizens without the authorities deigning to explain their motives, and without the citizens having any right to know them; where the courts are subjected to the whims of power; where their sentences can be annulled; where those who are acquitted are dragged in front of new judges, instructed, by the example of their predecessors, that they are there only to condemn.

Only twenty years ago no such government existed in Europe. There now exists one, the government of France. I set aside here everything

concerning its practical consequences; I will discuss them later. For the moment I only speak of the principle, and I affirm that the principle is the same as that of the government detested by the moderns when it displayed the colours of liberty. This principle is arbitrary power. The only difference is that, instead of being exercised in the name of all, it is exercised in the name of only one. Is this a reason for it to be more tolerable, and for men to be more readily reconciled to it?